

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: BRETT D. MCKAY : CHAPTER 13
Debtor :
:
: CASE NO. 1-15-bk-04437-HWV

TRUSTEE'S OBJECTION TO MOTION FOR APPROVAL
OF SETTLEMENT IN A PERSONAL INJURY CASE

AND NOW, this 8th day of May, 2020, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney, James K. Jones, and files this Objection to Motion for Approval of Settlement in a Personal Injury Case for the following reasons:

1. Debtor's motion alleges insufficient facts to support a conclusion that his recovery is for personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss under 11 U.S.C. §522(11)(D).

2. Debtor's motion alleges insufficient facts to support a conclusion that his recovery is a payment in compensation for loss of future earnings of the debtor to the extent reasonably necessary for the support of the debtor or any dependent of the debtor under 11 U.S.C. §522(11)(E).

3. Even considering these exemptions, non-exempt proceeds remain.

WHEREFORE, Trustee requests this Honorable Court to deny Debtor's exemption under 11 U.S.C. §§522(11)(D) and 522 (11)(E).

Respectfully submitted:

Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/James K. Jones
Attorney for Trustee

CERTIFICATE OF SERVICE

AND NOW, this 8th day of May, 2020, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Gary Imblum, Esquire
4615 Derry Street
Harrisburg, PA 17111

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee